

House State & Local Government Committee Amendment No. 2

Amendment No. 2 to HB2365

Jones U (Shel)
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3172

House Bill No. 2365*

By adding the following language as new sections immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION _____. Tennessee Code Annotated, Title 7, Chapter 86, Part 2, is amended by deleting §§ 7-86-201 through 7-86-203 in their entirety, and by adding such language to Title 68, Chapter 2, as a new part to be designated as Part 2 so that it reads as follows:

Part 2

Section 58-2-201 Public Safety Committee.

(a) There is hereby created the public safety committee. The sole purpose of such committee is to review and approve all courses of study which provide adequate and necessary training to persons who receive or dispatch emergency aid resources by telephone, radio or other telecommunication device.

(b) The public safety committee shall be composed of eleven (11) members, as follows:

- (1) One (1) member shall be an emergency medical technician;
- (2) One (1) member shall be a representative of the Tennessee Emergency Management Agency;
- (3) One (1) member shall be a representative of the Tennessee Emergency Numbers Association;
- (4) One (1) member shall be a representative of the Tennessee Municipal League;
- (5) One (1) member shall be a representative of the Fire Chiefs Association;

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(6) One (1) member shall be a representative of the Sheriffs Association;

(7) One (1) member shall be a representative of the Chiefs of Police

Association;

(8) One (1) member shall be a representative of the Association of Public
Safety Communication Officials;

(9) One (1) member shall be a representative of the Tennessee County
Services Association;

(10) One (1) member shall be the speaker of the senate, or the speaker's
designee, whose term shall coincide with the term of office of such elected official;
and

(11) One (1) member shall be the speaker of the house of representatives, or
the speaker's designee, whose term shall coincide with the term of office of such
elected official.

(c) Except for the speaker of the senate and the speaker of the house of
representatives, or their designees, members of the committee shall be appointed by the
Governor from lists submitted by the respective associations. Each association shall
submit a list of three (3) persons to the governor. In making appointments to the
committee the Governor shall strive to ensure that at least:

(1) one (1) member serving on the committee is sixty (60) years or older,

(2) one (1) person serving on the committee is a member of a racial
minority; and

(3) one (1) person serving on the committee is a woman.

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(d) Of the, initial appointments of those members appointed by the Governor, the Governor shall appoint three (3) members to serve terms of two (2) years; three (3) members to serve terms of three (3) years; and three (3) members to serve terms of four (4) years. Members shall serve until their successors are appointed and qualified.

(e) The Governor may remove any member of the committee for misconduct, incapacity or neglect of duty as reported to the Governor through the chairman of the committee.

(f) Members shall be reimbursed for expenses in the manner set forth in subsection (k).

(g) The Committee is attached for administrative purposes to the Tennessee Emergency Management Agency.

(h) The committee shall meet at least twice each year, and may meet more often if the chair and the committee decide.

(i) The committee shall elect annually from its members a chair, vice-chair, and such other officers as it shall deem necessary to conduct its business.

(j) Five (5) members of the board shall constitute a quorum for the purpose of conducting business.

(k) The committee shall have authority to enforce the provisions of this part. Committee members shall be reimbursed for actual expenses while performing functions as required in the performance of official duties to be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

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(l) Fees and Dues.

(1) The committee shall set a fee of not more than one hundred dollars (\$100.00) nor less than twenty-five dollars (\$25.00) for reviewing a course of study for public safety dispatchers in accordance with the provisions of subsection (a). Such fees shall be used by the agency solely for the purposes provided in subsection (k).

(2) Disbursement from such account shall be made solely for the purpose of defraying expenses incurred in reimbursing the actual expenses of committee members as provided in subsection (k) and for no other purpose. Funds remaining in such account at the end of any fiscal year shall not revert to the general fund but shall remain available for reimbursements as herein provided.

(m) For purposes of immunity from liability for acts or omissions within the scope of performing their official duties, except for willful, malicious, or criminal acts or omissions, or for acts or omissions done for personal gain, committee members are public officials or officials as these terms are defined by law.

58-2-202 Public safety dispatchers.

(a) Except as provided in subsection (c), beginning July 1, 2000, all public safety dispatchers who receive requests for emergency aid by telephone or radio, or who dispatch emergency aid resources by radio or other telecommunication device shall have successfully completed a course of study approved by the committee created pursuant to §58-2-201.

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(b) Except as provided in subsection (d), in addition to the requirements of subsection (a), all such persons shall:

- (1) Be at least eighteen (18) years of age;
- (2) Be a citizen of the United States;
- (3) Be a high school graduate or possess equivalency;
- (4) Not have been convicted or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;
- (5) Not have been released or discharged under any other than an honorable or medical discharge from any of the armed forces of the United States;
- (6) Have such person's fingerprints on file with the Tennessee Bureau of Investigation;
- (7) Have passed a physical examination by a licensed physician;
- (8) Have a good moral character as determined by a thorough investigation conducted by the employing agency; and
- (9) Be free of all apparent mental disorders as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. Applicants must be certified as meeting these criteria by a qualified professional in the psychiatric or psychological fields.

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(c) All public safety dispatchers subject to the provisions of this act employed after July 1, 2000, shall have six (6) months from the date of their employment to comply with the provisions of this act.

(d) Notwithstanding other provisions of law to the contrary, the law in effect prior to May 1, 1994, relative to public safety dispatchers shall apply to any person who had more than five (5) years of continuous employment as a public safety dispatcher on May 1, 1994.

SECTION _____. Tennessee Code Annotated, Section 7-86 303(d)(4), is amended by inserting the language ", which complies with the provisions of § 58-2-202 with respect to public safety dispatchers, as determined by an on-site inspection conducted by a member of the public safety committee or its staff and certified by the state comptroller's office," in the final clause of the subdivision between the language "THEN the board may distribute any excess revenue to each emergency communications district" and the language "created either pursuant to".